

State of California

Department of Education

Last Minute Memorandum

To: STATE BOARD MEMBERS

Date: September 9, 2003

From: Susan M. Bennett, Administrator, Educational Options Office

Re: ITEM #18

Subject PERMANENT REGULATIONS FOR ADMINISTERING, SCORING, AND REPORTING LOCALLY ADOPTED TESTS OF ACHIEVEMENT FOR USE AS INDICATORS IN THE ALTERNATIVE SCHOOLS ACCOUNTABILITY MODEL (ASAM).

This memorandum accompanies Attachment 4, *Public Comments on the Proposed Alternative Schools Accountability Model Pre-Post Assessment Regulations*. This attachment includes written comments received prior to the scheduled Public Hearing held on the morning of September 9, 2003. No Comments were received at the public hearing.

Public Comments on the Proposed Alternative Schools Accountability
Model Pre-Post Assessment Regulations of
Written Comments Received and Initial Responses to Written Comments¹

As of September 9, 2003, two written comments regarding the proposed pre-post assessment regulations were received by the California Department of Education in accordance with the Administrative Procedure Act. No additional comments were received at the public hearing on the morning of September 9, 2003.

No Section Specified

Comment 1:

The writer is Sherry Kropp, Principal of Laurel Continuation High School in the Los Alamitos Unified School District. Ms. Kropp expresses the opinion that the (ASAM) pre-post tests are not necessary because STAR results are required for schools in the ASAM.

Response 1:

The Public School Accountability Act (PSAA) of 1999, Chapter 3, Statutes of 1999 [Article 2, Section 52052 (h)] required that an alternative accountability system should be established for the schools that participate in the Alternative Schools Accountability Model (ASAM). These schools are also required to administer and report California's State Testing and Reporting (STAR) test data which represent the "base" indicator in the multiple indicator ASAM system. The base indicator is currently reported as an Academic Performance Index (API) for all ASAM schools with sufficient valid test results for reporting purposes.

The pre-post assessment measures have been added to the list of ASAM performance indicators specifically at the request of the district and county offices of education that operate ASAM schools. The pre-post assessments will augment STAR data by providing measures that are more sensitive to changes in the performance of the highly mobile populations ASAM schools serve. The pre-post assessment results will document the performance of students who were continuously enrolled for at least 90 consecutive school days in an ASAM school, but have left the school prior to the time of STAR testing. The pre-post assessment indicators are only three of fourteen indicators available to schools participating in the ASAM. District and county offices of education may choose to adopt a pre-post assessment as an indicator of achievement for their ASAM schools, but are not required to do so.

Section 1071. Test Administrator Eligibility

Comment 2a:

The writer is Cesar Calderon, Operations Officer of Soledad Enrichment Action Charter School, a Community Day School operated by the Los Angeles County Office of Education. Mr.

¹ Subject to modification prior to the submission of the Final Statement of Reasons to the Office of Administrative Law.

Calderon expresses concern that the proposed regulations require paraprofessionals administering a pre-post assessment instrument to be employees of the district. He notes that charter school regulations permit paraprofessionals to be employees of the nonprofit agency providing the office administration support.

Response 2a:

This concern appears to apply only to the limited number of charter schools that meet the entry requirements for participating in the ASAM. We are not aware of other schools in the ASAM in which paraprofessionals employed by a nonprofit agency rather than the school district would be needed to administer the assessment instruments. Local administrators and representatives of the professional associations serving other types of schools in the ASAM have not raised this question. Expanding the regulations to permit personnel who are not district employees to administer the pre-post assessments would raise concerns about the school having sufficient oversight and control over the testing process.

Comment 2b:

Mr. Calderon requests clarification of the requirement that a paraprofessional administering a pre-post test must do so “under the direct supervision” of a certificated employee. He asks whether the certificated employee must be physically present while the assessment process takes place or whether the certificated employee may take responsibility for the administration at a time when he or she teaching in an adjoining room.

Response 2b:

The proposed regulations require that any paraprofessional employee administering a pre-post assessment has been trained to do so by the ASAM test site coordinator [Section 1069, subdivision (e)] and that he or she must sign the ASAM Pre-Post Assessment Security Affidavit and abide by its provisions [Section 1072, subdivision (d)]. We assume that a certificated employee directly supervising the paraprofessional while administering a pre-post assessment will be available to respond to questions that may arise during the test administration process.

CALIFORNIA STATE BOARD OF EDUCATION

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REPORT ON PUBLIC HEARING CONDUCTED BY STAFF

DATE: September 9, 2003
TO: Members, State Board of Education
FROM: Greg Geeting, Assistant Executive Director

SUBJECT: Alternative Schools Accountability Model (ASAM) – Permanent Title 5 Regulations

Background

At the June 2003 meeting, the State Board initiated the permanent rulemaking process regarding the Alternative Schools Accountability Model (ASAM). The State Board directed that the public hearing for this rulemaking process be conducted by staff in accordance with subdivision (b) of Section 18460 of Title 5 of the California Code of Regulations.

Report on Public Hearing

Consistent with the requirements of the Administrative Procedure Act, the public hearing regarding the proposed regulations was scheduled for Tuesday, September 9, 2003, at the California Department of Education, 1430 N Street, Room 6303, Sacramento, California, beginning at 9:00 a.m. An audiotape of the public hearing was made, and Maryanna Rickner will provide a copy of the audiotape to any State Board member so desiring.

The public hearing was called to order at 9:01 a.m. on the prescribed date and at the prescribed location. No one present desired to comment on the proposed regulations. The public hearing was recessed for one-half hour in the event that a potential presenter might have been delayed. The public hearing was reconvened at 9:33 a.m. No one wishing to present comments had arrived. The public hearing was adjourned at 9:33 a.m.